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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [YM](#)
SUBJECT: YEMEN -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHÉ

REF: A. (A) STATE 59732
 [B.](#) (B) STATE 005577

11. This is an action cable; see paras 5 through 7 and 10.

12. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

13. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Yemen of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Yemen and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/not precede the Secretary's release at 10:00 am EDT on June 16.

14. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

15. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Yemen of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

16. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Yemen's country narrative in the 2009 TIP Report:

YEMEN (TIER 2 WATCH LIST)

Yemen is a country of origin and, to a much lesser extent, transit and destination country for women and children trafficked for the purposes of forced labor and sexual exploitation. Yemeni children, mostly boys, are trafficked across the northern border with Saudi Arabia or to the Yemeni cities of Aden and Sana'a for forced labor, primarily as beggars, but also for domestic servitude or work in small shops. Some of these children are subjected to commercial sexual exploitation in transit or once they arrive in Saudi Arabia. To a lesser extent, Yemen is also a source country for girls trafficked internally and to Saudi Arabia for commercial sexual exploitation. Girls as young as 15 years old are exploited for commercial sex in hotels, casinos, and bars in the governorates of Mahweet, Aden, and Taiz. The majority of child sex tourists in Yemen originate from Saudi Arabia, with a smaller number possibly coming from other Gulf nations. Yemeni girls who marry Saudi tourists often do not realize the temporary and exploitative nature of these agreements and some are forced into prostitution or abandoned on the streets after reaching Saudi Arabia. Yemen is a transit and destination country for women and children trafficked from Ethiopia and Somalia for the purpose of domestic servitude; female Somali refugees are reportedly trafficked by Somali men into prostitution in Aden and Lahj governorates and Yemeni gangs traffic African children to Saudi Arabia.

The Government of Yemen does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these significant efforts, the Yemeni government did not show evidence of progress in prosecuting and punishing trafficking offenders or in preventing sex trafficking over the last year; therefore, Yemen is placed on Tier 2 Watch List. The government reported no trafficking investigations, prosecutions, or convictions during the reporting period, and took no steps to address trafficking for commercial sexual exploitation. It continued, however, to provide protection and reunification services to child victims repatriated from Saudi Arabia and made notable strides in raising awareness of child labor trafficking.

Recommendations for Yemen: Take law enforcement action against human trafficking; improve protection services available to victims of trafficking for commercial sexual exploitation; and institute a formal victim identification mechanism to identify and refer victims to protection services.

Prosecution

Though the provision of anti-trafficking training to law enforcement officials increased over the reporting period, the Government of Yemen made no discernable efforts to prosecute or punish trafficking offenders, in contrast to six trafficking convictions obtained during the preceding reporting period. Article 248 of the penal code prescribes 10 years, imprisonment for anyone who buys, sells, or gives as a present, or deals in human beings; and anyone who

brings into the country or exports from it a human being with the intent of taking advantage of him.⁸ This prescribed penalty is commensurate with that for other grave crimes, such as rape. Article 161 of the Child Rights Law specifically criminalizes the prostitution of children. Yemen's Parliament considered draft legislation criminalizing child trafficking during the reporting period. Law enforcement officials reportedly tolerated internal trafficking in girls and women for the purposes of commercial sexual exploitation, making no known attempts to intervene during 2008. In February 2009, however, Haradh police arrested a Yemeni man and a Saudi national in connection with an illegal marriage of a Yemeni girl to a Saudi tourist; this is the first penal action taken by the government against &temporary marriages,⁸ which may constitute child trafficking. In the same month, a sting operation conducted by the Ministry of Interior resulted in the arrest of four individuals in Harath who were attempting to traffic 13 children to Saudi Arabia. In addition, in February 2009, the Ministry of Justice permanently removed a judge who approved a contract for the sale of a 26-year old slave. During the year, the Ministry of Interior trained 5,000 police officers and border guards in the northern governorates, where child trafficking is most prevalent, on recognition and prevention of trafficking.

Protection

The government made limited progress in protecting victims over the last year, but remained reluctant to acknowledge trafficking for commercial sexual exploitation. In partnership with UNICEF and a local NGO, the government continued operation of two reception centers in Sana'a and Harath to rehabilitate child labor trafficking victims deported from Saudi Arabia. These facilities received 583 children during the reporting period (two of whom had been sexually exploited) and provided them with approximately two months of food, counseling, limited medical care, and family reunification services. Through contributions of facilities, buses, and educational materials, the government also supported three NGO-run rehabilitation centers for child laborers in Sana'a, Sayun, and Aden, which provided food, basic health services, and vocational training; the centers are jointly funded by the government and ILO-IPEC. The government-run al-Thawra Hospital in Sana'a provided free medical care for trafficked children and child laborers. The government, however, did not provide protection services for internal sex trafficking victims or adult victims of trafficking, and only assisted foreign victims by referring their cases to foreign missions in Yemen. For example, a Sudanese boy deported from Saudi Arabia to Sana'a in 2008 was turned over to the Embassy of Sudan for repatriation.

Child labor violations in Yemen, including forced child labor, were rarely reported, investigated, or prosecuted in major urban areas; investigations were nonexistent in more remote regions. Twenty child labor investigators under the authority of the Ministry of Social Affairs and Labor (MOSAL) Child Labor Unit each received only a \$15 monthly allowance to conduct regional travel and inspect farms, fisheries, and factories in Aden, Sana'a, and Sayun, limiting their effectiveness in counteracting child labor trafficking. Child labor trafficking victims were not jailed in Yemen in 2008. However, the government did not differentiate between voluntary and forced prostitution, and punished persons engaged in the commercial sex trade, including children. The government did not employ procedures for proactively identifying victims of sex trafficking among high-risk groups and lacked a formalized victim referral process. It was not known whether the government encouraged victims to assist in investigations against their traffickers. There were no legal alternatives to the removal of foreign trafficking victims to countries in which they may face hardship or retribution.

Prevention

Yemen made progress in preventing child labor trafficking

during the reporting period, particularly by conducting far-reaching awareness campaigns and training programs, but did little to combat trafficking for sexual exploitation. MOSAL trained 1,560 local leaders (sheikhs, teachers, and government officials) in 2008 in the northern border governorates and other key areas with known child labor trafficking problems. Through lectures at taxi stands, MOSAL officials also trained 650 taxi and small bus drivers in Hudeidah, Hajja, Saada, and Sana'a to recognize signs of trafficking and identify children being trafficked for labor purposes. MOSAL also distributed 3,000 anti-trafficking posters and 5,000 stickers throughout the country. The Ministry of Information produced and broadcast public service announcements on child labor on 60 radio stations and five television stations in urban centers across Yemen in 2008. In cooperation with a local NGO, the government also organized a Children's Parliament that met three times in 2008 to hear testimony from and question government officials on child labor and trafficking. In August 2008, the government approved a three-year National Action Plan to combat child labor and sex trafficking. A Technical Committee coordinates the government's efforts to combat child trafficking and met quarterly in 2008. Throughout the year, government officials continued to press (without success) counterparts in Saudi Arabia to sign a memorandum of understanding to increase joint cooperation on human trafficking. The government, however, did not take any significant measures during the reporting period to reduce the demand for commercial sex acts or address the problem of child sex tourism. Information was unavailable regarding measures, if any, adopted by the government to ensure its nationals deployed to peacekeeping missions do not facilitate or engage in human trafficking. Yemen has not ratified the 2000 UN TIP Protocol.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a

"Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or though the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Yemen downgraded to Tier 2 Watch List in the 2009 TIP Report?

A: Yemen was placed on Tier 2 Watch List because the government did not show evidence of progress in prosecuting and punishing trafficking offenders or in preventing sex trafficking from occurring over the last year. The government reported no trafficking investigations, prosecutions, or convictions during the reporting period, in contrast to six convictions obtained during the preceding reporting period. It did not provide protection services for internal sex trafficking victims or adult victims of trafficking. Moreover, the government did not differentiate between voluntary and forced prostitution, and punished persons engaged in the commercial sex trade, including children. The government did not employ procedures for proactively identifying victims of sex trafficking among high-risk groups and lacks a formalized victim referral process.

Q2: What progress has Yemen made in the past year?

A: In February 2009, police arrested a Yemeni man and a Saudi national in connection with an illegal marriage of a Yemeni girl to a Saudi tourist. A Ministry of Interior sting operation resulted in the arrest of four individuals attempting to traffic 13 children to Saudi Arabia. In addition, the Ministry of Justice permanently removed a judge who approved a contract for the sale of a 26-year old slave. In partnership with UNICEF and a local NGO, the government continued operation of two reception centers to rehabilitate child labor trafficking victims deported from Saudi Arabia. Through contributions of facilities, buses, and educational materials, the government also supported three NGO-run rehabilitation centers for child laborers in Sana'a, Sayun, and Aden. The Ministry of Social Affairs and Labor trained 1,560 local leaders in the northern border governorates and other key areas with known child labor trafficking problems. Through lectures at taxi stands, it also trained 650 taxi and small bus drivers to recognize the signs of trafficking and identify children being trafficked for labor purposes. The Ministry of Information produced and broadcast public service announcements on child labor on 60 radio stations and five television stations in urban centers.

Q3: What can Yemen do to further the fight against trafficking in persons?

A: To advance its anti-trafficking efforts, the Government of Yemen could: Improve on the current absence of law enforcement efforts against human trafficking; improve protection services available to victims of trafficking for commercial sexual exploitation; and institute a formal victim identification mechanism to identify and refer victims to protection services.

¶12. The Department appreciates posts, assistance with the preceding action requests.

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